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6 UNITED STATES DISTRICT COURT

7 DISTRICT OF NEVADA

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9 MICHAEL SONNER,

10 v.

Petitioner,

12 WILLIAM GITTERE,¹ et al.,

13 Respondents.

Case No. 2:00-cv-01101-KJD-DJA

14 ORDER

15 Before the court is petitioner Sonner's motion for reconsideration of this court's
16 order denying his prior Rule 60(b) motion. ECF No. 254. For reasons that follow, the
17 motion will be granted.

18 Sonner is a Nevada prisoner sentenced to death. On August 30, 2017, this court
19 entered a final judgment denying Sonner's petition for writ of habeas corpus under 28
20 U.S.C. § 2254. ECF No. 232. On June 24, 2019, the court entered an order denying
21 Sonner's motion for relief from judgment under Rule 60(b) (ECF No. 245) for lack of
22 jurisdiction because the case was on appeal to the Ninth Circuit. ECF No. 250. With that
23 same order, however, the court issued an indicative ruling under Rule 62.1 indicating it
24 would grant the motion if the Ninth Circuit elected to remand for that purpose. *Id.*

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¹ William Gittere, the current warden of Ely State Prison, replaces his predecessor, Timothy Filson, as the primary respondent in this case. See Fed. R. Civ. P. 25(d).

1 On June 27, 2019, the Ninth Circuit granted Sonner’s motion for a limited remand
2 in accordance with this court’s indicative ruling. ECF No. 253. Thus, this court no longer
3 lacks jurisdiction to rule upon Sonner’s Rule 60(b) motion. And, for reasons discussed in
4 the court’s order of June 24, 2019, the motion is meritorious – i.e., all the claims in
5 Sonner’s amended petition are timely under *Williams v. Filson*, 908 F.3d 546 (9th Cir.
6 2018). Consequently, Sonner’s motion asking the court to reconsider its denial of Rule
7 60(b) relief should be granted. Furthermore, respondents must now answer previously-
8 dismissed claims on the merits.

9 IT IS THEREFORE ORDERED that petitioner's motion for reconsideration of this
10 court's order denying his prior Rule 60(b) motion (ECF No. 254) is GRANTED. This
11 court's order of June 23, 2013, is vacated to the extent it dismissed claims in Sonner's
12 amended petition (ECF No. 96) as untimely.

13 IT IS FURTHER ORDERED that respondents shall have **45 days** from the date
14 on which this order is entered within which to file their answer to the following claims in
15 the amended petition (ECF No. 96): Claims A-F, J-Z, AA-FF, HH, JJ-WW (except for
16 PP4, TT2, TT10, and TT11), AAA-FFF, and LLL-YYY (except for XXX). Petitioner shall
17 have **45 days** following service of an answer by respondents to file and serve a reply.
18 Respondents shall thereafter have **30 days** following service of a reply to file and serve
19 a response to the reply.

IT IS FURTHER ORDERED that respondents' unopposed motion for extension of time (ECF No. 255) is GRANTED *nunc pro tunc* as of July 11, 2019.

22 DATED THIS 2 day of October , 2019.

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UNITED STATES DISTRICT JUDGE
